

REMARKS

In the Office Action, the Examiner rejected claims 1-45. However, Applicants respectfully assert that the presently pending claims are patentable and in condition for allowance. In view of the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Objections to the Specification

In the Office Action, the Examiner objected to the arrangement of the detailed description. Specifically, the Examiner stated that “[s]ection headings are boldfaced throughout the disclosed specification” and “that [s]ection headings should not be underlined and/or **boldfaced**.” Paper No. 2, page 2. (Emphasis in original). Moreover, the Examiner stated that “the disclosed application does not conform with 37 C.F.R. § 1.77(b).” *Id.* Although the Examiner only specifically referred to Section 1.77(b), Applicants believe that the Examiner also intended to rely on Section 1.77(c) as well. In any event, Applicants respectfully disagree with the Examiner’s objections.

Respectfully, Applicants assert that 37 C.F.R. § 1.77 presents a *suggested* order and format, and is not mandatory. Section 1.77(b) states “[t]he specification *should* include the following sections in order...” 37 C.F.R.; § 1.77(b). (Emphasis added). Additionally, Section 1.77(c) states “[t]he text of the specification sections defined in paragraphs (b)(1) through (b)(11) of this section, if applicable, *should* be preceded by a section heading in uppercase and without underlining or bold type.” *See* 37 C.F.R. § 1.77(c). (Emphasis added). Accordingly, Applicants respectfully assert that correction of the instant specification is not required, because Sections 1.77(b) and (c) merely present preferred (i.e., not mandatory) formats.

With the foregoing in mind, Applicants respectfully request withdrawal of the instant objection. However, in the interest of expediting prosecution, Applicants will

consider amending the present application if the Examiner maintains the objection. Additionally, Applicants hereby authorize the Examiner to enter an Examiner's amendment to obviate the Examiner's concerns regarding the format of the present application.

Objections to the Drawings

In the Office Action, the Examiner objected to the drawings for failing to comply with 37 C.F.R. § 1.84(p)(5). Specifically, the Examiner objected to the drawings "because they include the following reference sign(s) not mentioned in the description: 'remote client unit 24', when describing figure 2; 'client 90' and 'center 22' when describing figure 3; 'service or division 124', 'client 90', 'location 138', 'customer type 130', 'healthcare provider 134', 'street section 141', 'city section 143', 'state section 145'; these are just a few examples of the many drawing mislabels within the 'Detailed Description of the Drawings' section." See Paper No. 2, page 4. Applicants respectfully disagree with the Examiner's objection.

Section 1.84(p)(5) states that "[r]eference characters not mentioned in the description shall not appear in the drawing" and that "[r]eference characters mentioned in the description must appear in the drawings." 37 C.F.R. § 1.84(p)(5). Applicants respectfully assert that the specification and drawings of the present application comply with the above-quoted section.

Applicants respectfully assert that a careful review of the "reference signs" listed by the Examiner demonstrates that they are both described within the specification and illustrated in the corresponding figures. For example, "remote client unit 24" is illustrated as a laptop computer on Figure 1 of the application and introduced on page 5, line 6. Similarly, client 90, is illustrated as a box located on the left side of Figure 2, with respect to the orientation of Figure 2, and introduced in the detailed description on page

9, lines 21-22. Indeed, Applicants respectfully assert that a careful review of the application reveals that each of the reference characters illustrated in the figures of the present application corresponds with a textual reference within the detailed description, in accordance with 37 C.F.R. § 1.84(p)(5). Similarly, all of the reference characters mentioned in the detailed description are illustrated in the figures of the present application, again, in compliance with Section 1.84(p)(5).

However, it appears that the Examiner is compartmentalizing each of the figures as well as the detailed description of the present application. That is, the Examiner did not view the detailed description as a whole. Respectfully, Applicants assert that the Examiner's interpretation of the detailed description was improper. Rather, Applicants respectfully assert that the Examiner must view the detailed description as an evolving text that builds upon itself, and that the detailed description must be viewed in its entirety. In light of the foregoing remarks, Applicants respectfully request that the Examiner withdraw the instant objection to the drawings.

In the Office Action, the Examiner also objected to the "Brief Description of the Drawings" section in the present application and stated "figures 5 and 6 descriptions should be switch [sic] because according to the drawings figure 5 'graphically displays' results and figure 6 'textually displays' results." See Paper No. 2, page 3. Applicants respectfully disagree with the Examiner's interpretation and assertions.

Respectfully, Applicants assert that the Examiner may have misinterpreted or misread the application or figures. The Brief Description of the Drawings section of the present application states that "Fig. 5 is an exemplary results page for *textually* displaying medical resource location analysis results received by the client from the data processing center" and that "Fig. 6 is an exemplary results page for *graphically* displaying medical resource location analysis results received by the client from the data processing center."

Application, page 4, lines 17-22. Additionally, the present application states that “Fig. 5 is an electronics results page 188, providing *a list* of healthcare resources by site location 190 and a corresponding description of the healthcare resources 192” and “Fig. 6 is a map results page 202, which has *a map* of healthcare sites 204 and a corresponding list of the sites 206.” Application, page 14, lines 30-31; page 15, line 1, lines 11-12. (Emphasis added). With the foregoing in mind, Applicants respectfully assert that Fig. 5, which is located towards the top of the drawing sheet, *lists* each site location 190 with a textual address and that Fig. 6, which is located towards the bottom of the drawings sheet, presents a map that *graphically* illustrates the locations of the various healthcare sites 206. *See* Application, Figs. 5 and 6. Accordingly, Applicants respectfully assert that the figures match and correspond with the Brief Description of the Drawings section and the remainder of the present application.

In light of the foregoing, Applicants respectfully request that the Examiner withdraw the objection. However, if the Examiner has inadvertently received improper figures, Applicants will consider providing replacement figures that correspond with the present application.

Claim Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-4, 7, 9-15, 17-20, 23-28, 31-37, and 40-45 under 35 U.S.C. § 103(a) as unpatentable over the Rondeau reference (U.S. Patent No. 5,850,433) in view of the Naidoo reference (U.S. Patent No. 6,629,136) and in further view of the Stoodley reference (U.S. Patent No. 6,611,846), rejected claims 16, 29, and 38 as unpatentable over the Rondeau reference in view of the Naidoo reference, and rejected dependent claims 5, 6, 8, 21, 22, 30, and 39 as unpatentable over the Rondeau reference in view of the Killcommons et al. reference (U.S. Patent No. 6,424,996). Applicants respectfully traverse the rejections. In summary, Applicants respectfully assert that the cited references, taken alone or in combination, fail to disclose

all of the features recited in the instant claims, and, as such, the Examiner has failed to present a *prima facie* obviousness rejection.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case, the Examiner must show that the reference combination includes *all* of the claimed elements and must present a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *See Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). *All words* in a claim must be considered in judging the patentability of that claim against the prior art. *See In re Wilson*, 165 U.S.P.Q. 494, 496 (C.P.A. 1970). Moreover, the Examiner must not distill an invention down to its *gist or basic thrust*, because such distillation disregards the requirement of analyzing the subject matter as a whole. *See W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 220 U.S.P.Q. 303 (Fed. Cir. 1983).

In contrast to the cited references, the present invention relates to a technique for geographically locating a *medical resource*. *See Application*, page 1, lines 6-8. By way of example, the medical resource may comprise a diagnostic system 12 having a number of various modalities, which include MRI systems 14, CT systems 16, ultrasound imaging system 18, among others. *See id.*, page 4, lines 26-30; page 5, lines 1-2; page 5, lines 14-18. Advantageously, in an exemplary embodiment of the present invention, by exchanging data between the client 90 and a data processing center 22 remote from the client 90, geographical information regarding a medical resource may be developed. *See id.*, page 11, lines 20-23; page 12, lines 15-25; Figs. 5 and 6. For example, the present invention facilitates obtaining geographical information regarding a CT scanner within a geographic region. *See id.* With the foregoing in mind, Applicants respectfully assert that the cited references fail to disclose all of the features recited in the instant claims.

Rejection of Independent**Claims 1, 16, 29, and 38 and Claims Depending Therefrom**

In the Office Action, the Examiner rejected independent claims 1, 16, 29, and 38 and various claims depending therefrom as obvious in view of the Rondeau reference in conjunction with the Naidoo reference and/or the Stoodley reference. Applicants disagree and address each of the independent claims, in turn, below.

Independent Claim 1 and Claims Depending Therefrom

Independent claim 1 recites, *inter alia*, “electronically directing client data transmitted from a remote interface to a medical locator system via a network, wherein the medical locator system is configured for *multiple modalities*, the client data comprising a desired geographic region for *locating a desired medical resource* for at least one of the *multiple modalities*.” (Emphasis added). Applicants respectfully assert that the references cited by the Examiner, taken alone or in combination, fail to disclose all of these features.

The Examiner asserted that “Rondeau teaches a method for locating a medical resource (See Abstract, where a medical resource is referred to as a ‘particular service and product’).” See Paper No. 2, page 9. Applicants respectfully disagree with the Examiner’s interpretation of the Rondeau reference and assert that the Examiner has attributed disclosure to the Rondeau reference that is not found therein. Specifically, Applicants respectfully assert that the Rondeau reference is absolutely devoid of any semblance of a medical resource, as recited in the instant claims.

The Rondeau reference discloses a system for providing an on-line directory service, similar to an electronic phone book. See Rondeau, column 2, lines 54-59; column 3, lines 39-45. In the device of Rondeau, a computer 18 communicates with various servers 26, 28, and 30, which electronically maintain data typically found in a

phone book. *See* Rondeau, Fig. 1; column 8, lines 34-60. For example, the Rondeau device may provide an on-line directory from which *advertisements* or *theater listings* may be obtained. *See id.*, column 8, lines 43-46; lines 50-54. However, the Rondeau reference is absolutely devoid of any semblance of a *medical locator system* for locating a *desired medical resource* for a least one of a multiple modalities, as recited in the instant claim. Indeed, the Rondeau reference is absolutely devoid of any suggestion or relation to medical resources.

The sentence in Rondeau relied upon by the Examiner states “the search request may specify a particular service or product...” Rondeau, Abstract; see also Paper No. 2, page 9. However, as discussed above, the “particular service or product” in Rondeau refers to consumer based listings, such as advertisements for automobiles and theater showtime listings. By no means does the Rondeau reference disclose or suggest a medical locator system for locating desired *medical resources*, as recited in the instant claims. Again, Applicants respectfully assert that the Examiner is attributing teachings to the Rondeau reference that are not disclosed therein.

Additionally, Applicants respectfully stress that the instant claims recites more than an *intended use* of known systems. Rather, known systems, such as the system of Rondeau, generally provide information about an entity as a whole, and not the resources available at the entity. For example, a patient may require a particular medical resource for treatment. *See* Application, page 2, lines 18-21. Unfortunately, all medical facilities within a geographic region may not have such resources. *See id.* For example, two imaging centers, which may generally advertise the type of service each provides at a broad level, may not have identical resources capable of performing a desired medical procedure. Indeed, currently known systems fail to provide information about *medical resources* available at a location, but rather provide, at best, broad information above the provider only.

Furthermore, there is no reason to believe that the additional references presented by the Examiner, i.e., the Stoodley and the Naidoo references, obviate the deficiencies of the Rondeau reference as discussed above. Rather, the Stoodley reference relates to “a computer assisted method for analyzing medical *patient data* by storing and accessing relevant data.” Stoodley, column 3, lines 19-21. (Emphasis added). Accordingly, the Stoodley reference revolves around information regarding a *patient*, without regard to any semblance of a *medical resource* or any relationship to *geographic location*, as recited in the instant claims.

Additionally, the Naidoo reference fails to disclose any semblance of medical resources or locating a medical resource as recited in the instant claims. Rather, the Naidoo reference merely focuses on providing *consumer* based information in response to a user’s geographic area. See Naidoo, column 2, lines 21-25; column 4, lines 17-30. For example, the technique of Naidoo would be operable to automatically determine a neighborhood the user was in or to locate schools that correspond to a particular neighborhood. See *id.*, column 3, lines 1-5. Again, Applicants respectfully stress that the Naidoo reference is absolutely devoid of any semblance of a *medical resource* or a technique for locating a *desired medical resource*, as recited in the instant claims, and therefore cannot obviate these deficiencies discussed above.

Moreover, the Naidoo reference fails to address the recitation of locating a medical resource for at least one of the *multiple modalities*, as recited in the instant claims. For example, there is no reason to believe that the Naidoo system is capable of locating a particular type of medical resource *modality*, such as a CT scanner or an ultrasound scanner. Rather, the Naidoo reference focuses on providing information about a consumer entity as a *whole*. The section of Naidoo relied upon by the Examiner as disclosing *modalities*, as recited in the instant claim, merely states “[i]n particular, the present invention relates to a method and system for providing content to the user that

seamlessly corresponds to each users' specific geographic location." Naidoo, column 1, lines 9-12; *see also* Paper No. 2, page 9. Nothing in the above-quoted section suggests locating medical resources with regard to *modality*, much less *multiple modalities*. Indeed, the Examiner must not assume that "providing content" equates to the medical resources and modalities as recited in the instant claims.

Therefore, Applicants respectfully assert that the Examiner has failed to present a *prima facie* case of obviousness, because the cited references, taken alone or in combination, fail to disclose all of the features recited in the instant claim. Indeed, the Examiner must consider *each and every* recitation in a claim and must not distill a claim down to what the Examiner believes is the basic thrust or idea of the claim.

Thus, Applicants respectfully assert that independent claim 1 and its respective dependent claims 2-15 are patentable and in condition for allowance. In light of the foregoing remarks, Applicants respectfully request reconsideration and allowance of the instant claims.

Independent Claim 16 and the Claims Depending Therefrom

Independent claim 16 recites, *inter alia*, "a *resource locator system* configured for locating a desired *medical resource*...wherein the resource locator system is configured to evaluate the client data and to locate at least one of the desired *medical resources* based on the desired geographic region." (Emphasis added). Applicants respectfully assert that the cited references, taken alone or in combination, fail to disclose these recited features.

With respect to the recited desired medical resources, the Examiner again relied on the Rondeau reference. As with claim 1, the Examiner relied on the Abstract of the

Rondeau reference, which states “the search request may specify a particular service or product.” However, as discussed above, there is no reason to believe that the Rondeau reference has any relation to *a medical resource* or locating a *medical resource*, as recited in the instant claims. Rather, the Rondeau reference relates to *consumer information* typically found in a *phone book or brochure*, such as, advertisements and theater listings. See Rondeau, column 8, lines 43-54. Respectfully, Applicants assert that the Examiner must not attribute teachings to the Rondeau reference that are not disclosed therein.

Additionally, as discussed above, the Naidoo and Stoodley references fail to obviate the deficiencies of the Rondeau reference. Again, the Naidoo reference merely discloses a technique for providing *consumer* information based upon a user’s geographic area, and does not relate to locating a medical resource or medical resources, as recited in the instant claims. Furthermore, the Stoodley reference teaches a method for analyzing *patient data*, without any regard to medical resources or locating medical resources, as recited in the instant claims.

Therefore, Applicants respectfully assert that the Examiner has failed to present a *prima facie* case of obviousness regarding the instant claim, because the cited references, taken alone or in combination, fail to disclose all of the features recited in the instant claims.

Thus, Applicants respectfully assert that independent claim 16 and its respective dependent claims 20-28 are patentable and in condition for allowance. In light of the foregoing remarks, Applicants respectfully request reconsideration and allowance of the instant claims.

Independent Claim 29 and Claims Depending Therefrom

Independent claim 29 recites, *inter alia*, “a resource locator system for locating a desired *medical resource*...the query form having a field for entering a desired geographic region for locating the desired *medical resource*, and a location result page having *locator information* for the desired *medical resource*.” (Emphasis added). Applicants respectfully assert that the cited references, taken alone or in combination, fail to disclose all of these recited features.

With respect to claim 29, the Examiner again relied on the Abstract of Rondeau as disclosing a medical resource, as recited in the instant claims. However, as discussed above, the Rondeau reference is absolutely devoid of disclosure related to a medical resource. Rather, the Rondeau reference merely relates to providing information typically found in telephone directory. Additionally, as also discussed above, the Naidoo reference and the Stoodley reference fail to obviate the deficiencies of the Rondeau reference.

Accordingly, Applicants respectfully assert that the Examiner has failed to present a *prima facie* case of obviousness, because the cited references, taken alone or in combination, fail to disclose all of the features recited in the instant claim.

Therefore, Applicants respectfully assert that independent claim 29 and its respective dependent claims 30-37 are patentable and in condition for allowance. In light of the foregoing remarks, Applicants respectfully request reconsideration and allowance of the instant claims.

Independent Claim 38 and Claims Depending Therefrom

Independent claim 38 recites, *inter alia*, “electronically directing client data transmitted from a remote interface to a medical locator system via a network, the client

data comprising a desired geographic region for *locating* at least one *medical resource* from a plurality of medical resources.” (Emphasis added). Applicants respectfully assert that the cited references, taken alone or in combination, fail to disclose all of these recited features.

With respect to this claim, the Examiner again relied on the Abstract of Rondeau as disclosing a medical resource, as recited in the instant claims. However, as discussed above, the Rondeau reference is absolutely devoid of disclosure related to a medical resource. Rather, the Rondeau reference merely relates to providing information typically found in telephone directory. Additionally, as also discussed above, the Naidoo reference and the Stoodley reference fail to obviate the deficiencies of the Rondeau reference.

Accordingly, Applicants respectfully assert that the Examiner has failed to present a *prima facie* case of obviousness, because the cited references, taken alone or in combination, fail to disclose all of the features recited in the instant claim.

Therefore, Applicants respectfully assert that independent claim 38 and its respective dependent claims 39-45 are patentable and in condition for allowance. In light of the foregoing remarks, Applicants respectfully request reconsideration and allowance of the instant claims.

Dependent Claims 5, 6, 8, 21, 22, 30, and 39 and Claims Depending Therefrom

In the Office Action, the Examiner rejected dependent claims 5, 6, 8, 21, 22, 30, and 39 as obvious in view of the Rondeau reference as combined with the Killcommons et al. reference. Applicants respectfully disagree.

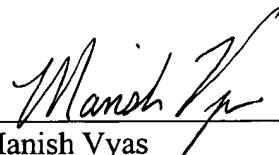
With regard to the dependent claims, the Examiner has relied on the Rondeau reference as a primary reference. As discussed above, the Rondeau reference fails to disclose all of the features recited in the independent claims from which the instant dependent claims respectively depend. Moreover, the Killcommons et al. reference fails to obviate the deficiencies of the Rondeau reference as discussed above. Accordingly, Applicants respectfully assert that the above-listed dependent claims are patentable over the cited references, taken alone or in combination, because the cited references fail to disclose all of the features recited in the instant dependent claims. Indeed, Applicants respectfully assert that the instant dependent claims are patentable not only for their dependencies on allowable base claims, but also by virtue of the additional features recited therein. In light of the foregoing remarks, reconsideration and allowance of the instant claims are respectfully requested.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: February 6, 2004



Manish Vyas
Reg. No. 54,516
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545